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JUN - 9 2016

CLERK, U.S. DISTRICT COURT
NORFOLK, VAAFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT

2:16 MJ 257

1. I, Jason S. Collins, am employed by the United States Department of Justice as a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since 2001. I have been assigned to the New Orleans, Washington, DC and Norfolk field offices, where my primary duties have been, but not limited to, the investigation of bank and armored car robberies, thefts from interstate shipments, kidnappings, fugitives, carjacking and commercial robbery, serial killings, bombings and homicides both domestically and overseas, organized criminal enterprises, gang and narcotics organizations, counterterrorism and intelligence investigations and covert surveillance. I previously served as Police Officer/Detective with the Hampton and Newport News, Virginia Police Departments from 1994 to 2001. During my tenure as a Police Officer I worked as a patrol officer responding to calls for service, criminal interdiction, firearms violations, robberies, vice/narcotics and as a criminal general assignment Detective.

2. The facts and information contained in this affidavit are based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, and my review of records, documents and other physical evidence obtained during the investigation of this case. All observations referenced below that were not personally made by me were related to me by the persons who made such observations.

3. This affidavit is submitted in support of the attached criminal complaint charging KENDRICK LEE THOMAS PERRY with conspiracy to interfere with commerce by robbery (Hobbs Act), in violation of Title 18, United States Code, Section 1951(a), and possession of a

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firearm during and in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(c)(1)(A).

4. This affidavit contains information necessary to support probable cause for the application. It is not intended to include each and every fact and matter observed by or known to me. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part only and are not intended to be a verbatim recitation of such statements.

5. At all times material to this Affidavit, the following businesses engaged in receiving and selling goods in interstate commerce, in an industry that affects interstate commerce:

- (1) AT&T, 12080 Jefferson Avenue, Newport News, Virginia;
- (2) AT&T, 4725 Virginia Beach Boulevard, Virginia Beach, VA;
- (3) AT&T, 7394 Harbortowne Parkway, Suffolk, VA; and
- (4) AT&T, 606 Hilltop West Shopping Center, Virginia Beach, VA

6. On February 9, 2016, at approximately 9:02 p.m., two black males, brandishing firearms, entered the AT&T located at 12080 Jefferson Avenue, Newport News, VA and demanded money and property. The first robber, described as a black male, 20-30 years old, 5'8"- 5'10", 160-180 pounds wore a gray mask over his face and brandished a black, semi-automatic handgun. The second robber, described as a heavy set, black male, 20-30 years old, 5'8"- 5'10", 230-240 pounds, with a beard, wore a red ball cap, sunglasses and carried a long gun or rifle under his jacket. Once inside, the robbers ordered the employees to the back storage area where they demanded cellular phones and cash. The robbers then removed approximately \$2000 in cash from the business and about 70 Apple I-phone 6s, cellular phones valued at \$106,000. These items were placed into three black bags that the robbers brought with them. Before leaving the store, the robbers took the employees' identification cards and cellular phones

and bound the employees with black zip ties. The robbers exited the store and were seen getting into a dark-colored Audi sedan.

7. On February 25, 2016, at approximately 8:38 p.m., two black males, brandishing firearms, entered the AT&T located at 4725 Virginia Beach Boulevard, Virginia Beach, VA and demanded money and property. The first robber, described as a black male, 20-30 years old, 5'8" - 5'10", 160-180 pounds wore a gray mask over his face and brandished a black, semi-automatic handgun. The second robber, described as a heavy set, black male, 20-30 years old, 5'6"- 5'10", 230-240 pounds, with a beard, wore a dark ball cap, sunglasses and carried a long gun or rifle under his jacket. Once inside, the robbers ordered the employees to the back storage area where they demanded cellular phones and cash. The robbers then removed approximately 168 Apple I-phone 6s, cellular phones and I-pads valued at \$128,000. These items were then packed into two black bags that the robbers brought with them. Before leaving the store, the robbers took the employees' identification cards and cellular phones and bound the employees with black zip ties. The robbers exited through the rear doors. A dark-colored sedan was observed in the area around the time of the robbery.

8. Shortly after the robbery, on February 26, 2016, at approximately 1:00 a.m., one of the victims' cellular phones was located and recovered in the wooded area adjacent to the I-64 and Battlefield Boulevard (exit 290A) in Chesapeake, VA.

9. On March 1, 2016, a search of the wooded embankment near the 290A exit was conducted using several teams of "contraband dogs" from the Virginia Department of Corrections (DOC). As a result, three (3) additional phones belonging to the employees of the AT&T were recovered.

10. On April 2, 2016, at approximately 8:50 p.m., as an employee at the AT&T located at 7394 Harbortowne Parkway, Suffolk, VA, was preparing to close for the evening, the employee noticed a suspicious, dark-colored sedan, possibly a BMW, driving slowly around the business' parking lot. The vehicle eventually went out of the employee's view. Approximately forty-five seconds later, three (3) black males, wearing all dark clothing, approached the store from the area where the suspicious vehicle was seen moments before. One of these individuals wore a skeleton mask over his face. As they got to the door, this individual attempted to open the lobby door, but it was locked. A second employee looked up, heard the door rattling, and observed the three individuals and the skeleton masked man at the door. Unable to open the door, the men turned around and walked away; last seen walking around the side of the AT&T and out of view. No items were taken and the Suffolk Police Department responded and took an Attempted Robbery report.

11. On April 7, 2016, at approximately 11:15 a.m., two black males, brandishing firearms, entered the AT&T located at 606 Hilltop West Shopping Center, Virginia Beach, VA and demanded money and property. The first robber, described as a black male, 20-30 years old, 5'8" - 5'10", 160-180 pounds wore a skeleton mask over his face and brandished a black, semi-automatic handgun. The second robber, described as a heavy set, black male, 20-30 years old, 5'6"- 5'10", 230-240 pounds, with a beard, wore a black hat, sunglasses and brandished a black semi-automatic handgun. Once inside, the robbers ordered the employees to the back storage area where they demanded cellular phones and cash. The robbers then removed approximately 204 Apple I-phone 6s, Samsung Galaxy S7 cellular phones and I-pads valued at more than \$150,000. These items were then packed into three black bags that the robbers brought with them. Before leaving the store, the robbers bound the employees with black zip ties. The

robbers then exited through the rear doors. A dark-colored sedan was observed in the area around the time of the robbery.

12. On April 7, 2016, a worker was working on the roof of the business behind the AT&T, when the worker (hereafter referred to as Witness 1 (W1)) heard a door slam and then an alarm sound from the area of the AT&T. When W1 looked up, W1 saw two black males running from the rear of the AT&T. W1 described the individuals as a skinny male with a white mask on his face and a second, chubby male. Both men ran from the store toward a black Audi which was parked near the back door. The skinny male, who was carrying a black bag, "dove" into the back seat. The chubby male, who also carried a black bag, opened the passenger- side, front door of the Audi and placed his bag inside. This individual then removed his jacket and threw it on top of the bag and closed the door. The Audi sped off down the alley, as the chubby male began running in the same direction. W1 lost sight of the car and the chubby male shortly after. W1 was able to discern the license plate on the Audi as Virginia registration, WMS 2471.

13. A query of the Virginia license plate revealed the vehicle to be a black, 2006 Audi four-door sedan, registered to a Breon Jabari Berry with a Chesapeake, VA address.

14. On April 7, 2016, at approximately 3:59 p.m., both Berry and the black Audi, bearing VA license plate WMS 2471 were located at a hotel in Virginia Beach, VA. Subsequently, Berry confessed to his role, as the getaway driver, and implicated three (3) others, including KENDRICK LEE THOMAS PERRY, in the robberies of the AT&T stores. Specifically, Berry implicated PERRY as one of the robbers at the AT&T, 4725 Virginia Beach Boulevard on February 25, 2016. During this robbery, PERRY wore a gray mask over his face and carried a black semiautomatic handgun.

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15. Berry also advised that PERRY owns and drives a red BMW sedan. Following the AT&T robbery at 606 Hilltop Shopping Center West, in Virginia Beach, on April 7, 2016, Berry drove the robbers and their loot (hereafter referred to as co-conspirators (CC1 and CC2)) to a location off Ansol Lane in Virginia Beach. There, CC1 and CC2 placed the bags of stolen phones into PERRY's red BMW.

16. On April 7, 2016, into the early morning hours of April 8, 2016, a number of state arrest and state search warrants were executed, evidence seized and information was developed that led to the arrest of Berry, CC1, CC2 and PERRY.

17. On April 7, 2016, as a result of those warrants a number of items were recovered, to include: the black Audi (getaway car), PERRY's red BMW, which was used to transport evidence, fruits and instrumentalities of the robbery, stolen cellular devices and a black 9mm semi-automatic handgun, visually similar to that used in the robberies.

18. On April 8, 2016, at approximately 1:40 a.m., CC1 and PERRY were located and arrested at the Residence Inn in Columbia, South Carolina by Agents of the Federal Bureau of Investigation.

19. A significant number (144 of 204) of the stolen phones taken during the April 7th robbery in Virginia Beach, were located in PERRY's room. In addition, more than \$25,000 in U.S. currency, the "skeleton mask", black zip ties, black heavy duty trash bags and clothing used in the robberies also recovered with PERRY.

20. On April 19, 2016, CC1 and PERRY were extradited to Virginia from South Carolina. Upon their return to Virginia, both CC1 and PERRY were transported to the Virginia Beach Police Department (VBPD) where they were processed and interviewed.

21. CC1 was advised of his Miranda rights, which he understood and subsequently waived. CC1 admitted his culpability as the “chubby robber” with the beard and sunglasses in the AT&T robberies and also implicated PERRY as the second gunman, wearing the gray mask, during the robbery of the AT&T in Virginia Beach on February 25, 2016.

22. CC1 also admitted that the bag of zip ties recovered at the hotel in Columbia, South Carolina where the same batch that CC1 and PERRY used to bind the employees during the robbery.

23. PERRY was advised of his Miranda rights, which he understood and subsequently waived. PERRY went on to admit his culpability as the “skinny robber”, wearing the gray mask, during the robbery of the AT&T in Virginia Beach on February 25, 2016.

24. PERRY also admitted to participating in the Attempted Robbery of the AT&T, “off College Drive” in Suffolk on April 2, 2016. PERRY advised that he met with CC1 and CC2 near the store prior to the attempt. PERRY entered the AT&T several minutes before the robbery to check out the business. PERRY left just prior to CC1 and CC2, who was wearing the skeleton mask, attempting to enter the store; however, when they found the door locked, CC1, CC2 and PERRY turned and left.

25. PERRY admitted to assisting, after the fact, in the robbery of the AT&T in Virginia Beach on April 7, 2016. PERRY confessed that following the robbery, he was paid approximately \$20,000 to drive CC1 and the stolen phones to Atlanta, Georgia where they were to sell them to an unknown individual.

26. Based on the foregoing, I submit there is probable cause to believe that KENDRICK LEE THOMAS PERRY conspired to interfere with commerce by robbery (Hobbs Act), in violation Title 18, United State Code, Section 1951(a), and possessed a firearm during and in

relation to a crime of violence, that is, robbery, in violation of Title 18, United States Code, Section 924(c)(1)(A), and ask that an arrest warrant be issued for the same.

Further, your affiant sayeth not.



Jason S. Collins
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 9th day of June, 2016.



UNITED STATES MAGISTRATE JUDGE
Norfolk, Virginia